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PHILADELPHIA, PA
*CHERRY HILL, NJ
WILLIAMSPORT, PA
by appointment only

October 13, 2014

Via Overnight Mail

Arlene Lilly, Enforcement Specialist
U.S. Environmental Protection Agency
Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 1, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

**Partner responsible - Bruce S. Katcher*

Re: Response of Halliburton Energy Services, Inc. to EPA Information Request Under
Section 104(e) of CERCLA and Sections 308 AND 311 of the CWA

Dear Ms. Lilly:

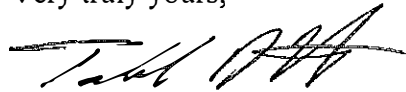
Enclosed please find the response of Halliburton Energy Services, Inc. ("HESI") to a request for information (the "Information Request") received from the United States Environmental Protection Agency ("EPA") under a cover letter dated August 25, 2014, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), and Sections 308 and 311 of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318 and 1321, related to the Statoil Eisenbarth Well Response Site located at 42240 Long Ridge Road, Clarington, Ohio (the "Site"). While the Information Request required a response within fourteen calendar days of HESI's receipt of the Information Request, EPA subsequently extended the deadline for response to October 13, 2014, as confirmed in an e-mail from counsel for EPA to counsel for HESI dated September 4, 2014.

Please note that HESI considers some of the materials being provided in response to this request to constitute confidential business information or trade secrets. In accordance with Enclosure A of the Information Request, these materials are identified with a "CBI" prefix and are being provided in a separate binder.

Arlene Lilly, Enforcement Specialist
October 13, 2014
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If you have any questions about the enclosed response or documents, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Todd D. Kantorczyk". The signature is stylized with a horizontal line through the middle and a large, sweeping flourish at the end.

Todd D. Kantorczyk
For MANKO, GOLD, KATCHER & FOX, LLP

TDK/dem/10671/0044
Enclosures

**RESPONSE OF HALLIBURTON ENERGY SERVICES, INC. TO
EPA INFORMATION REQUEST UNDER SECTION 104(E) OF CERCLA AND
SECTIONS 308 AND 311 OF THE CWA**

Halliburton Energy Services, Inc. ("HESI") hereby responds to a request for information (the "Information Request") received from the United States Environmental Protection Agency ("EPA") under a cover letter dated August 25, 2014, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), and Sections 308 and 311 of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1318 and 1321, related to the Statoil Eisenbarth Well Response Site located at 42240 Long Ridge Road, Clarington, Ohio (the "Site"). While the Information Request required a response within fourteen calendar days of HESI's receipt of the Information Request, EPA subsequently extended the deadline for response to October 13, 2014, as confirmed in an e-mail from counsel for EPA to counsel for HESI dated September 4, 2014.

The Information Request contains a series of 63 questions (many with subparts) relating to the release or threat of release of hazardous substances, pollutants or contaminants at the Site and the discharge of oil and/or potentially hazardous substances from the Site as a result of a fire incident that occurred at the Site on June 28, 2014. In addition, the Information Request includes as an attachment a series of definitions for particular terms that are used in the Information Request. For ease of review, HESI has organized its response to the Information Request to reflect the particular questions posed in the Information Request. Specifically, each of the questions contained in the Information Request is set forth verbatim below in bold type followed by narrative responses to those questions (or groups of questions) in normal type. Documents that are included with the response to the Information Request are similarly organized to correspond to the questions contained in the Information Request. All times are provided in military format using the 24-hour clock.

In addition, the response to the Information Request includes general objections, qualifications and clarifications set forth immediately below. These general objections, qualifications and clarifications are incorporated by reference to the extent applicable to each of the individual responses to the questions contained in the Information Request. Given the breadth of the Information Request and the limited time period afforded by EPA to respond to the Information Request, HESI reserves the right to supplement this response as appropriate.

**GENERAL OBJECTIONS, CLARIFICATIONS, QUALIFICATIONS AND
RESERVATIONS OF RIGHTS**

1. HESI construes its obligation to respond to the Information Request as coextensive with the scope of EPA's authority pursuant to Section 104(e) of CERCLA and Sections 308 and 311 of the CWA, and has interpreted the Information Request under the premise that the Information Request is reasonably related to information relevant to EPA's lawful objectives pursuant to Section 104(e) of CERCLA and Sections 308 and 311 of the CWA. HESI objects to the Information Request to the extent that the Information Request, including "Definitions" and "Instructions" contained therein, purports to impose on HESI obligations beyond those required under Section 104(e) of CERCLA and Sections 308 and 311 of the CWA.

2. HESI objects to the Information Request to the extent that it seeks information or documents that are protected from disclosure by the attorney-work product doctrine, the privilege associated with attorney-client communications, and/or other applicable confidentiality protections and privileges. HESI specifically reserves all legally recognized privileges protecting from disclosure documents and information, including, without limitation, the attorney-client privilege and the attorney work product doctrine. HESI does not waive any such right or privilege by its response to the Information Request, and hereby specifically asserts such privileges and protections.

3. HESI objects to the Information Request to the extent that it seeks information that is not in HESI's possession, custody or control. Additionally, HESI does not routinely maintain documents or other information, except as required by and/or specified in, applicable regulations or other recordkeeping standards or requirements. HESI has undertaken an investigation designed to identify reasonably available existing information and documents including documents routinely maintained by HESI or required to be maintained under applicable law. Such information and documents form the basis for HESI's response.

4. HESI reserves the right to supplement, modify and/or amend its response to the Information Request if new or additional information becomes available, and does not waive any available objections to the Information Request by providing this response.

5. Based upon its review of the Information Request, HESI regards individual components of the Information Request as vague or ambiguous. By way of example only, the Information Request is vague or ambiguous to the extent that the Information Request does not define various terms or purports to define terms other than by their commonly understood meaning. HESI specifically states that it has provided responses to the Information Request based upon HESI's understanding of the requests and the common usage of specific terms not otherwise defined.

6. HESI objects to the Information Request to the extent that any individual request is overly broad or not reasonably calculated to lead to the production of relevant information pertinent to the Site, and/or that responding thereto would be unduly burdensome or expensive.

7. HESI objects to the Information Request to the extent that references in the Information Request to "Respondent," "Halliburton," "you" or "your" are intended to encompass entities other than HESI. HESI has responded to the Information Request with the understanding that such references refer solely to HESI.

8. HESI objects to the Information Request to the extent that it purports to impose on HESI a duty to respond in a manner that exceeds HESI's obligations under Section 104(e) of CERCLA or Section 308 and 311 of the CWA, including, without limitation, any express or implicit requirement by EPA for HESI to supplement its response. Notwithstanding any direction from EPA to the contrary, HESI has undertaken to provide its response in the manner and to the extent required by Section 104(e) of CERCLA and Sections 308 and 311 of the CWA, and consistent with HESI's objectives of cooperatively working with EPA.

9. Enclosure A states that any business confidentiality claim asserted by HESI should be supported by the submission of information consistent with 40 C.F.R. Part 2. HESI does not believe that 40 C.F.R. §2.203 requires businesses to submit “support” for a business confidentiality claim at the time the claim is asserted. Rather, in accordance with 40 C.F.R. §2.204(e), a business that has asserted a confidentiality claim must be afforded the opportunity to comment if and when EPA is required to make a determination that the information at issue is entitled to confidential treatment.

10. Nothing in this response is intended to waive, restrict or otherwise impair any arguments or defenses to liability under CERCLA, the CWA or otherwise that HESI may have, and HESI hereby expressly preserves its rights and ability to raise any and all such arguments and defenses. HESI also reserves the right to assert additional objections to the Information Request.

HESI fully incorporates the foregoing general objections, clarifications, qualifications and reservations of rights into each of its responses to individual sections of the Information Request, and will therefore generally not restate such objections, clarifications, qualifications and reservations of rights within individual responses. In addition, by providing responses to each of the individual sections of the Information Requests, HESI does not thereby waive or limit the foregoing.

Without limitation to the foregoing, HESI’s response to the Information Request, completed to the best of its knowledge and information following reasonable inquiry, is set forth below.

PRELIMINARY STATEMENT

HESI is a leading provider of services to the oil and gas industry. As a service provider, HESI is typically engaged as a contractor by the owner or operator of an oil or gas well site to perform certain services at the site. In this instance, Statoil USA Onshore Properties, Inc. (“Statoil”) as the operator of the Eisenbarth Well Pad Site hired HESI to perform hydraulic fracturing services for natural gas wells that were previously drilled and constructed by separate contractors hired by Statoil. Statoil hired contractors other than HESI to perform additional services at the Eisenbarth Well Pad Site—including, for example, wellhead construction, wireline services, fluid and flowback management, and fuel supply—at the same time HESI was conducting its hydraulic fracturing services at the Eisenbarth Well Pad Site.

As one of many contractors hired by Statoil to conduct distinct services, HESI possesses limited, if any, knowledge about operations at the Eisenbarth Well Pad Site that fall outside the scope of the hydraulic fracturing services provided by HESI. A number of the items in the Information Request concern services provided by other contractors at the Eisenbarth Well Pad Site with respect to which HESI does not have knowledge. Moreover, at all times, the Site has been and remains in Statoil’s control, and HESI’s hydraulic fracturing services were performed under the direction and supervision of Statoil. As a single contractor providing limited services to Statoil, HESI is not considered to be either the owner or the operator of the Eisenbarth Well Pad Site as those terms are understood under CERCLA, the CWA or other statutes and regulations referenced in the Information Request. Many of the items in the Information Request relate to

permitting, recordkeeping and reporting obligations applicable to owners and operators such as Statoil rather than service providers such as HESI. In all instances, HESI's responses to the items included in the Information Request are consistent with HESI's role as one of many contractors at the Eisenbarth Well Pad Site hired and directed by Statoil.

RESPONSES TO INFORMATION REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

HESI objects to this request on the basis that it is overly broad, unduly burdensome, and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. HESI has undertaken an extensive review of information and documentation in preparing its response to the Information Request. Identifying each individual who was "consulted" as part of this effort would be inefficient, non-responsive, and extremely burdensome. Subject to the foregoing, the following HESI employees were consulted in preparation of the response to the Information Request:

Tony Angelle, Area Vice President, Northeast
Kurt R. Harpold, Jr., Northeast PE Operations Manager
David S. Dumond, Global Manager, Environment
William Weaver, HSE Technical Professional
Stuart H. Kemp, Esq., Senior Director, Health, Safety, and Environmental Law Practice Group

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.

HESI objects to this request on the basis that it is overly broad, unduly burdensome, and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. HESI has undertaken an extensive review of information and documentation in preparing its response to the Information Request. Submission of each document that was "consulted or examined" would be inefficient, non-responsive, and extremely burdensome. In contrast to EPA's very general and overly broad request for documents set forth above, EPA has elsewhere in the Information Request made much more specific requests for particular documents. HESI submits herewith those documents that contain information that is relevant and responsive to such individual information requests. Further, where multiple documents may contain the same or substantially similar responsive information, HESI has submitted the document or documents that, in its view, best responds to the individual request. However, HESI has not produced herein those documents that are not relevant to the Information Request, contain legally protected or privileged information, or are not reasonably related to EPA's authority under Section 104(e) of CERCLA or Sections 308 and 311 of the CWA.

Subject to the foregoing, HESI has included with this response an index that lists the documents provided with HESI's response to the Information Request.

- 3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.**

Except as noted in the response to any individual request, HESI does not believe that there may be persons able to provide a more detailed or complete response to any request or may be able to provide additional responsive documents.

- 4. List the EPA Identification Numbers of the Respondent.**

HESI objects to the Information Request as overbroad, unduly burdensome and irrelevant, in particular because the request is not, on its face, limited to the Site. As a contractor hired by Statoil to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil, HESI was not assigned an EPA Identification Number for purposes of its work at the Site. To the extent that this Information Request seeks HESI's EPA Identification Numbers for operations at locations other than the Site, and seeks information that is already in EPA's possession.

- 5. List the Standard Industrial Classification Code of the Respondent.**

The Standard Industrial Classification Code of HESI is 1389, Oil and Gas Field Services.

- 6. Provide the number of employees employed by Respondent.**

As of September 2014, HESI employed approximately 82,479 people globally.

- 7. If Respondent was a subsidiary or division of a corporation at any time from January 1, 2011 to the present, identify the corporation (parent corporation if a subsidiary), and provide copies of pertinent documents supporting the relevant relationship.**

HESI is a wholly owned subsidiary of Halliburton Company. Exhibit 21.1 to the annual 10-K report filed by Halliburton Company with the United States Securities and Exchange Commission ("SEC") for the fiscal year ending as of December 31, 2013, lists Halliburton Energy Services, Inc. as a subsidiary of Halliburton Company. A copy of the annual 10-K report is attached hereto.

- 8. State the dates which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases, etc.).**

HESI has never owned, operated or leased the Site.

9. **If portions of the Site are owned by entities other than you, identify those entities and what portion of the Site they own.**

HESI does not possess particular information concerning the ownership status of the Site. As a contractor hired by Statoil to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil, HESI understands that Statoil controls the Site through ownership or contract.

10. **Identify the current operators, including lessors, of the Site. For each such operator, further identify:**

- a. **The dates of operation;**
- b. **The nature of its operations at the Site;**
- c. **The portion of the Site it operates; and**
- d. **All evidence that they controlled access to the Site.**

HESI was hired by Statoil as a contractor to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil. At the time that HESI was performing such services at the Site, the Site was a natural gas well pad under the control of Statoil. HESI does not possess additional information concerning the items in this request.

11. **Provide copies of all local, state and federal environmental permit applications and permits ever granted for the Site or any part thereof (e.g., RCRA permits, National Pollutant Discharge Elimination System permits, CWA Section 401 Water Quality Certification, CWA Section 404 Permits, and/or Underground Injection Control permits, etc.). If the facility applied for a “no discharge” or other permit exemption under such permits, please provide a copy of such application.**

As a contractor hired by Statoil to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil, HESI was not required to obtain any local, state or federal permits for the Site, and therefore HESI does not possess any environmental permits or permit applications for the Site.

12. **Provide all reports, information or data related to soil, water (ground and surface) or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.**

HESI objects to this Information Request as overly broad, unduly burdensome, and not reasonably related to EPA’s lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the forgoing, HESI responds that after the fire incident but before HESI began equipment removal activities, HESI requested that Statoil’s environmental consultant, CTEH, obtain and analyze soil samples from six

locations at the Site. The analytical results and a figure indicating where the soil samples were collected are included with this response.

- 13. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors or by prior owners and/or operators at the Site.**

HESI objects to this Information Request as overly broad, unduly burdensome, and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Over 60 HESI employees were assigned to the crew that performed hydraulic fracturing services at the Site, and each of their individual job responsibilities may have required at some point "handling" of hazardous substances at the Site. Furthermore, other HESI employees not specifically assigned to the crew may have provided support services at some point concerning hazardous substances that were used at the site. Finally, as a contractor hired by Statoil to perform hydraulic fracturing services at the Site, HESI does not have information about prior owners and/or operators of the Site.

Subject to the foregoing, HESI responds that the following HESI personnel may have the most broad-based knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances at the Site by HESI:

Tony Angelle, Area Vice President, Northeast
Kurt R. Harpold, Jr., Northeast PE Operations Manager
Bradley Evans, Real Estate Services Manager
William Weaver, HSE Technical Professional
Richard (Lee) Cox, Field Service Manager

- 14. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances, materials, pollutants or contaminants, oil, petroleum, or petroleum products (for this question "material") at the Site? If the answer to the preceding question is anything but an unqualified "no", identify for each material:**

- a. The chemical composition, characteristics (including toxicity), physical state (e.g., solid, liquid);
- b. The supplier;
- c. How it was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- d. When it was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
- e. Where it was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

- f. The quantity that was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.**

HESI objects to this request as overly broad, unduly burdensome, and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Operations at the Site between June 19, 2014, and June 28, 2014, were very dynamic and therefore in the absence of the identification of a specific point in time, responses to the individual items listed above cannot be provided. Subject to the foregoing, the HESI materials in use at the Site on June 28, 2014 and associated operations were typical of the HESI materials in use at the Site and operations at the Site between June 19, 2014 and June 28, 2014. Accordingly, please see HESI's responses to Request No. 39 and Request No. 40, below, which are incorporated herein by reference.

- 15. Did the Site ever have "interim status" under RCRA? If so, and the Site does not currently have interim status, describe the circumstances under which the Site lost interim status.**

HESI does not know whether the Site has ever had "interim status" under RCRA.

- 16. Did you ever file a notification of hazardous waste activity under RCRA for the Site? If so, provide a copy of such notification.**

HESI has never filed a notification of hazardous waste activity under RCRA for the Site.

- 17. Was Respondent conducting business at the Site during the time period of January 1, 2011 to December 31, 2011?**

No.

If so, please respond to the following information requests.

- a. Did you use, produce, manufacture, and/or store any hazardous chemicals at this location during the period of January 1, 2011 to December 31, 2011?**
- b. If the answer to 17(a) is yes, provide a list of such hazardous chemicals and the maximum quantity stored at the facility at any one given time during the period of January 1, 2011 to December 31, 2011.**
- c. For each hazardous chemical listed in 17(b), provide a Material Safety Data Sheet (MSDS).**
- d. Provide a copy of the Tier One or Tier Two form required under Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, for the period of January 1, 2011 to December 31, 2011.**
- e. Did you supply copies of all MSDSs, or a list of hazardous chemicals, for hazardous chemicals stored at this facility above a Threshold Planning Quantity (TRQ) and/or Minimum Threshold Quantity to the Ohio State**

Emergency Response Commission ("Ohio SERC") on or before October 17, 1987, or 90 days from the date the hazardous chemical became present at this facility? If so, provide documentation to support your claim.

- f. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Ohio SERC for the period of January 1, 2011 to December 31, 2011, on or before March 1, 2012? If so, provide documentation to support your claim.
- g. Did you supply copies of all MSDSs, or a list of hazardous chemicals, for hazardous chemicals stored at this facility above a Threshold Planning Quantity (TPQ) and/or Minimum Threshold Quantity to the Monroe County Local Emergency Planning Committee (Monroe County LEPC) on or before October 17, 1987, or 90 days from the date the hazardous chemical became present at this facility? If so, provide documentation to support your claim.
- h. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Monroe County LEPC for the period of January 1, 2011 to December 31, 2011, on or before March 1, 2012? If so, provide documentation to support your claim.
- i. Did you supply copies of all MSDSs, or a list of hazardous chemicals, for hazardous chemicals stored at this facility above a Threshold Planning Quantity (TPQ) and/or Minimum Threshold Quantity to the Clarington Fire Department on or before October 17, 1987, or 90 days from the date the hazardous chemical became present at this facility? If so, provide documentation to support your claim.
- j. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Clarington Fire Department for the period of January 1, 2011 to December 31, 2011, on or before March 1, 2012? If so, provide documentation to support your claim.

18. Was Respondent conducting business at the Site during the time period of January 1, 2012 to December 31, 2012?

No.

If so, please respond to the following information requests.

- a. Did you use, produce, manufacture, and/or store any hazardous chemicals at this location during the period of January 1, 2012 to December 31, 2012?
- b. If the answer to subparagraph (a) is yes, provide a list of such hazardous chemicals and the maximum quantity stored at the facility at any one given time during the period of January 1, 2012 to December 31, 2012.

- c. For each hazardous chemical listed in subparagraph (b), provide a Material Safety Data Sheet (MSDS). If you already provided an MSDS for a hazardous chemical in response to Question 17, you need not provide another one for the same hazardous chemical.
- d. Provide a copy of the Tier One or Tier Two form required under Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, for the period of January 1, 2012 to December 31, 2012.
- e. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Ohio SERC for the period of January 1, 2012 to December 31, 2012, on or before March 1, 2013? If so, provide documentation to support your claim.
- f. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Monroe County LEPC for the period of January 1, 2012 to December 31, 2012, on or before March 1, 2013? If so, provide documentation to support your claim.
- g. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Clarington Fire Department for the period of January 1, 2012 to December 31, 2012, on or before March 1, 2013? If so, provide documentation to support your claim.

19. Was Respondent conducting business at the Site during the time period of January 1, 2013 to December 31, 2013?

No.

If so, please respond to the following information requests.

- a. Did you use, produce, manufacture, and/or store any hazardous chemicals at this location during the period of January 1, 2013 to December 31, 2013?
- b. If the answer to subparagraph (a) is yes, provide a list of such hazardous chemicals and the maximum quantity stored at the facility at any one given time during the period of January 1, 2013 to December 31, 2013.
- c. For each hazardous chemical listed in subparagraph (b), provide a Material Safety Data Sheet (MSDS). If you already provided an MSDS for a hazardous chemical in response to Question 17, you need not provide another one for the same hazardous chemical.
- d. Provide a copy of the Tier One or Tier Two form required under Section 312 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11022, for the period of January 1, 2013 to December 31, 2013.

- e. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Ohio SERC for the period of January 1, 2013 to December 31, 2013, on or before March 1, 2014? If so, provide documentation to support your claim.
 - f. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Monroe County LEPC for the period of January 1, 2013 to December 31, 2013, on or before March 1, 2014? If so, provide documentation to support your claim.
 - g. Did you supply a copy of each and every Tier One or Tier Two form provided under subparagraph (d) above to the Clarington Fire Department for the period of January 1, 2013 to December 31, 2013, on or before March 1, 2013? If so, provide documentation to support your claim.
20. For the five years prior to this Information Request, did the Site have more than a total of 1,320 gallons of oil stored in tanks, bunkers, drums, totes, transformers, pails, or other storage containers that are not buried?

To the extent this request seeks information about operations at the Site performed by entities other than HESI, HESI objects to this Information Request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds as follows:

As a contractor hired by Statoil to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil starting on June 19, 2014, HESI does not have sufficient information in its possession, custody or control to answer this question. HESI estimates that at the time of the incident on June 28, 2014, HESI's sixteen hydraulic fracturing pumps held a total of 8,500 gallons of diesel fuel, and Pilot Fuels Logistics ("Pilot") operated two diesel tankers on the Site, one of which held 1,100 gallons of diesel fuel and the other of which held 700 gallons of diesel fuel. All diesel fuel was supplied by Statoil.

21. Identify the total oil storage capacity of the Site in gallons. If this has changed since operations began at the Site, explain how and when.
- See HESI's response to Request No. 20, above, which is incorporated herein by reference.
22. Provide a list of oil storage containers and the maximum storage capacity of each oil storage container at the Site for five years prior to June 28, 2014.
- See HESI's response to Request No. 20, above, which is incorporated herein by reference.
23. Did the Site have a Spill Prevention, Control and Countermeasures Plan as required by the regulation at 40 C.F.R. § 112.3? If so, submit a copy of the plan, including

the certification by a Professional Engineer as required by the regulation at 40 C.F.R. § 112.3(d), documentation of full approval of the plan by management as required by the regulation at 40 C.F.R. § 112.7, and a description of any amendments to the plan made pursuant to the regulation at 40 C.F.R § 112.4.

As a contractor hired by Statoil to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil, HESI did not prepare a Spill Prevention, Control and Countermeasures Plan ("SPCC Plan") for the Site.

- 24. If the answer to the preceding question is yes, identify when the Site first implemented a Spill Prevention, Control and Countermeasures Plan.**

HESI does not have knowledge concerning if or when the Site first implemented an SPCC Plan.

- 25. Submit copies of any reports of spills required to be reported by Ohio Revised Code 3745.50 for the past 5 years.**

As a threshold matter, HESI notes that "Ohio Revised Code 3745.50" does not appear to exist. HESI assumes that EPA intended to refer to Ohio Revised Code 3750.06, which is entitled "Notice of Release of Hazardous Substance."

To the extent this Information Request seeks information about locations other than the Site, or spills required to be reported by entities other than HESI, HESI objects to this Information Request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds that HESI was hired as a contractor by Statoil to provide hydraulic fracturing services and first arrived at the Site on June 19, 2014. Since that time, HESI has not been required to report any spills at the Site pursuant to Ohio Revised Code 3750.06 because HESI is not an "owner or operator" of the Site.

- 26. Provide a copy of the emergency plan that outlines the procedures for notification of accidental releases at the Site.**

HESI has adopted a Global Health, Safety and Environmental ("HSE") Standard entitled "Spill Management," which establishes internal procedures for reporting spills. A copy of that standard is included with this response. Consistent with that standard, with respect to customer work site locations such as the Site, HESI coordinates with the customer to ensure that appropriate notifications are made in the case of an accidental release.

- 27. How many employees are employed by Respondent at the Eisenbarth Well Pad in Clarington, Ohio?**

HESI assigned 61 employees to the crew that was providing hydraulic fracturing services to Statoil at the Site. At the time of the fire incident on June 28, 2014, 19 HESI

employees were present at the Site. Currently, HESI has no employees performing hydraulic fracturing services at the Site.

28. Provide documentation regarding the training of employees at the Site on the procedures for notification of accidental releases at the Site.

HESI objects to this Information Request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what is meant by "documentation regarding the training of employees." Subject to the foregoing, HESI responds as follows:

HESI employees who could impact the environment in their daily work are required to complete a training course entitled "Environmental Awareness & Incident Reporting." The course provides an overview of potential impacts on the environment associated with HESI's activities and possible solutions of how those potential environmental impacts can be eliminated or controlled. HESI has included with this response copies of materials from that training course.

29. Describe the status of all wells on the Site other than Well #7, including the casings inside them and any other measures taken to seal those wells.

HESI does not possess information concerning the current status of any of the wells on the Site, including any measures that may have been taken to seal those wells.

30. Describe the operations at the Site generally and specifically the operations taking place in the ten days prior to and including June 28, 2014. Include the following information in your description:

To the extent this Information Request seeks information about operations at the Site performed by entities other than HESI, HESI objects to this Information Request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds as follows:

HESI personnel first arrived at the Site on June 19, 2014, and began to rig up. The first pumping operations in which HESI participated commenced on June 21, 2014, and consisted of initiating the toe sleeve on Well #6H. Once open, wireline operations began on Well #6H for the first stage. Well #6H was then perforated, and pumping of hydraulic fracturing fluid began on the first stage of Well #6H on June 22, 2014. The toe sleeves on Well #7H and Well #5H were initiated and the wells were perforated on June 22, 2014. The first stage of pumping of hydraulic fracturing fluid for those wells was also completed on June 22, 2014. Between June 22, 2014 and June 28, 2014, subsequent stages of Well #6H, Well #7H and Well #5H were completed in the same manner. The order of well stages perforated and completed were as follows: 6H Stage 2, 5H Stage 2, 5H Stage 3, 6H Stage 3, 7H Stage 2, 7H Stage 3, 6H Stage 4, 5H Stage 4, 7H Stage 4, 7H Stage 5, 6H Stage 5, 5H Stage 5, 7H Stage 6, 5H Stage 6, 6H Stage 6, 7H Stage 7, 5H

Stage 7, and 5H Stage 8. On the morning of June 28, 2014, Well #7H Stage 8 was in the process of being perforated when the incident occurred.

HESI's specific responses to items a through f are provided below:

- a. The identity of the shale that was being hydraulically fractured at Well #7H (e.g. Utica, Marcellus);**

Marcellus.

- b. The depth of the vertical well at Well #7H at 9:00am EDT on June 28 2014;**

Well #7H is a horizontal well rather than a vertical well. At 0900 EDT on June 28, 2014, wireline was being pumped down Well #7H in preparation for perforation of Stage 8 of Well #7H. The depth of the perforations to be shot at that time had a true vertical depth of approximately 6,400 feet with a measured depth of approximately 11,400 feet.

- c. The number of horizontal arms planned for Well #7H;**

One.

- d. The number of horizontal arms completed at Well #7H at 9:00 am EDT on June 28, 2014;**

At 0900 EDT on June 28, 2014, well completion activities were underway on the only horizontal arm of Well #7H.

- e. Please specify the stage of the process for each of the horizontal well arms identified in c. and d. above; and;**

See HESI's responses, above.

- f. The disposal or planned disposal of the hydraulic fracturing fluid after its use.**

The hydraulic fracturing services provided by HESI to Statoil did not include disposal of hydraulic fracturing fluid after its use. As the operator of the Site, disposal of hydraulic fracturing fluid after its use at the Site was the responsibility of Statoil.

31. **Please provide a list of all drinking water wells within 2.5 miles of any of the horizontal arms identified in Question 30(c) above. Please provide copies of any sampling and analyses conducted at the drinking water wells or other drinking water intakes that Halliburton conducted prior to construction of the wells to after the June 28, 2014 incident.**

HESI does not possess any information related to drinking water wells within 2.5 miles of the horizontal arm of Well #7H. HESI did not conduct any sampling of any drinking water wells or other water intakes as part of any operations associated with the Site prior to June 28, 2014, nor has HESI conducted any such sampling since that time.

32. **Describe the blender operations at the Site. Submit any standard operating procedures and manufacturer recommendations or specifications for those operations.**

The purpose of the blender is to combine water, chemicals, and proppant into a complete fluid system utilized in the hydraulic fracturing process. This fluid system is then directed under pressure to a manifold trailer, which in turn distributes the fluid into multiple pump trucks to be pumped under pressure into the well to be stimulated. HESI has included with this response an Operations Manual for the model of blender (FB4K) in use at the Site at the time of the incident. **Please note that HESI considers this Operations Manual to be confidential business information.** In accordance with Enclosure A of the Information Request, these materials are identified with a "CBI" prefix and are being provided in a separate binder.

33. **Describe any preventative maintenance that was performed on the blenders prior to operation, including lubricating oil use logs. Submit any manufacturer recommendations or specifications for maintenance of the blenders.**

HESI objects to this Information Request as vague and overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA, specifically because it does not specify what time period encompasses "prior to operation." Subject to the foregoing, HESI has included with this response documents that reflect maintenance that was performed on the two blenders which were present at the Site on June 28, 2014, during the 60 days preceding that date. Those documents include two spreadsheets that list the maintenance performed on the primary blender (Equipment #11149190) and the backup blender (Equipment #11124263). In addition, HESI has included "Preventive Maintenance Check Sheets" completed for those blenders during that 60 day time period prior to June 28, 2014. Finally, HESI has included the HESI Test Procedure for an FB4K blender, dated March 7, 2013, which includes test results for the primary blender. **Please note that HESI considers the Test Procedure to be confidential business information.** In accordance with Enclosure A of the Information Request, these materials are identified with a "CBI" prefix and are being provided in a separate binder.

34. Submit training records or training certification for personnel operating the blenders on June 28, 2014.

HESI objects to this Information Request as vague and overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA, specifically because it does not specify what constitutes "training records or training certifications." Subject to the foregoing, HESI responds as follows:

HESI employees are required to undergo extensive training based upon their positions and experience. Records of training completed and competencies achieved by each HESI employee are maintained by HESI in an online database. Included in this response are screen shots of the competencies held by Tony Beck, the blender operator operating the blender at 0900 EDT on June 28, 2014.

35. Describe the water life cycle of the fracturing process. The water "lifecycle" includes obtaining and transporting the water to the Site, following by its storage and use in the hydraulic stimulation process during the completions phase of a well. Please include:

- a. A list of all additives to the fracturing fluid before injection;
- b. A description of any sampling of the fluid prior to injection;
- c. A description of any sampling of flowback fracturing fluid conducted post injection;
- d. A description of all waste disposal methods for flowback fracturing fluid stored onsite (for example: trucked to a pre-treatment facility, disposed of at underground injection well, treated and reused at future sites, etc.); and
- e. A list of sites that accept the flowback fracturing fluid waste for treatment or disposal, if used.

HESI objects to this request as vague and overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA, specifically with respect to the phrase "water life cycle of the fracturing process" or to the extent this Information Request seeks information about operations at the Site performed by entities other than HESI. Subject to the foregoing, HESI responds as follows:

The hydraulic fracturing services provided by HESI to Statoil at the Site did not include obtaining and transporting water to the Site, storage of water at the Site, or disposal or reuse of hydraulic fracturing fluid after its use. As the operator of the Site, Statoil was responsible for these operations. Statoil provided all water used at the Site by HESI in conjunction with hydraulic fracturing services.

The following is a list of the additives that HESI added to the fracturing fluid at the Site before injection:

Hydrochloric acid
GasPerm 1000
BE-9
WG-36
FR-66
SP Breaker
Sand

Each additive listed above was utilized at some point during the hydraulic fracturing process at the Site. HESI did not conduct any sampling of the hydraulic fracturing fluid prior to injection or of the flowback fracturing fluid post injection.

36. Identify the amount of hydraulic fracturing fluid that had been pumped down Well #7H as of 9:00 am EDT on June 28, 2014.

HESI objects to this request as unduly burdensome and outside the scope of EPA's information gathering authority under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, please see HESI's response to Request No. 37, below, which is incorporated herein by reference.

37. Identify the total amount of each component of the fluid pumped down Well #7H as of 9:00 am EDT on June 28, 2014. Provide any analytics or sampling results of this fluid if it is available.

HESI objects to this request as unduly burdensome and outside the scope of EPA's information gathering authority under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds as follows:

HESI typically monitors in real time the amount and certain characteristics of hydraulic fluid that is pumped down a well as part of hydraulic fracturing operations. For an additional fee, HESI's customers can request that HESI record and store these data electronically at an offsite location. Statoil did not request that HESI provide this additional service. Accordingly, all HESI data concerning the amount of hydraulic fracturing fluid that had been pumped down Well #7H as of 0900 EDT on June 28, 2014, were consumed in the fire incident. Based upon other operational information, HESI has estimated that the following amounts of each component were pumped down Well #7H as part of the hydraulic fracturing fluid system:

Water (provided by Statoil): 2,433,210 gallons

Sand:

100 mesh - 280,900 lbs.

30/50 - 2,078,000 lbs.

20/40 - 712,300 lbs.

Hydrochloric acid (7.5%): 30,000 gallons

HAI-OS Inhibitor: 30 gallons

FR-66: 1,723 gallons

BE-9: 1,229 gallons

SP Breaker: 75 lbs.

GasPerm1000: 4,583 gallons

WG-36: 27,961 lbs.

Please note that the HAI-OS inhibitor is a corrosion inhibitor that was blended into the acid blend before it arrived at the Site.

- 38. Describe how BE-9 is used on the Site. Identify the frequency with which BE-9 is used in the hydraulic fracturing process and the concentration in which it is used in the mixed hydraulic fracturing fluids.**

BE-9 is a biocide that is utilized to kill bacteria that are known to produce hydrogen sulfide gas (H₂S). BE-9 is pulled from a chemical tote through the chemical line, and is injected through a liquid additive pump into the fluid stream in the blender. BE-9 is typically injected into the fluid stream at a concentration of 0.25 to 0.5 gallons per thousand gallons of water. To the best of HESI's knowledge, BE-9 was employed at the Site consistent with the foregoing process.

- 39. Submit a diagram of the Site on the morning of June 28, 2014 showing the location of all storage containers for oil, hazardous substances, hazardous chemicals, extremely hazardous chemicals, and materials, including containers stored in van trailers.**

To the extent that this Information Request seeks information about operations at the Site performed by entities other than HESI or equipment owned or operated by entities other than HESI, HESI objects to this Information Request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds as follows:

HESI has included with this response a figure produced by HESI employees, dated July 8, 2014, that depicts the approximate location of equipment at the Site as of 0900 on June 28, 2014. All amounts of materials indicated on the figure are estimates.

- 40. Submit a list of the amounts of oil, hazardous substances, hazardous chemicals, extremely hazardous chemicals, and materials stored on the Site on the morning of June 28, 2014 and how much of each listed item was recovered after response activities to the fire finished on or about July 1. Indicate where each listed item was**

stored by linking the list to the diagram submitted pursuant to Question #39. Submit an MSDS for each material listed and product labels listing all ingredients of each material listed.

To the extent this Information Request seeks information about operations at the Site performed by entities other than HESI or equipment owned or operated by entities other than HESI, HESI objects to this Information Request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds as follows:

HESI has included with this response a spreadsheet which it prepared on or about July 2, 2014, that lists: (a) the estimated volume of HESI's materials at the Site at the time of the incident; and (b) the estimated volume of HESI's materials left at the Site on or about July 1, 2014. HESI has also included the material safety data sheets ("MSDSs") for each of the chemicals or products listed in the spreadsheet where there was a loss, except for diesel fuel. The product labels for these materials are affixed to containers. Accordingly, HESI has included digital photos of these labels. The diesel fuel was supplied by Pilot, a Statoil contractor, and thus Pilot would be in the best position to provide an MSDS and label information for that product. As noted in the response to Request No. 39, above, HESI has included with this response a figure produced by HESI employees dated July 8, 2014, that depicts the approximate location of equipment at the Site as of 0900 EDT on June 28, 2014, and estimates of the amounts of HESI's materials present in each piece of equipment.

- 41. Identify and describe in detail the series of events that caused the fire and subsequent explosions at the Site on June 28, 2014. Identify all persons, including contractors, with information about the cause of the fire. Submit any "root cause" analyses or any report that details the cause of the fire at the Site that began on June 28, 2014.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what EPA considers to be an "event[] that caused the fire" for purposes of this response. Furthermore, HESI objects to what appears to be EPA's position that HESI or any other person can determine a specific "cause" of the fire incident at the Site to a reasonable degree of certainty. In addition, HESI objects to this request to the extent it seeks information or documents that are protected from disclosure by the attorney-work product doctrine, the privilege associated with attorney-client communications, and/or other applicable confidentiality protections and privileges. Finally, the investigation into this incident is ongoing, and HESI reserves the right to supplement this response if additional facts become available concerning the cause of the fire at the Site on June 28, 2014. Subject to the foregoing, HESI responds as follows:

The area of origin of the fire incident at the Site appears to be the west side of the primary (down hole) blender in the immediate vicinity of the hydraulic unit for the

blender. This hydraulic unit was located aft of the blender's diesel powered deck engine and forward of the blender control room. While most of the normally discernible fire development patterns in the area of the primary blender were damaged extensively by the fire, the patterns of fire damage are consistent with the west side of the primary blender being the general area of origin of the fire. This location of the origin of the fire is also consistent with eyewitness accounts from HESI employees who were present at the Site at the time of the fire incident.

The first individual to observe the fire at the Site was the blender operator, Tony Beck. Mr. Beck indicated that while inside the blender control room during blender operations around 0900 EDT on June 28, 2014, he felt a vibration of the equipment. He then checked the gauge panel and no obvious problem was indicated. Mr. Beck then proceeded to check the intake suction hoses at ground level on the east side of the blender to ensure that the blender was not experiencing a water supply issue. While checking these intake hoses, Mr. Beck observed liquid dripping from the trailer deck (east side) in the vicinity of the hydraulic unit, which was south of his position. Mr. Beck estimated the flow of this liquid to be approximately one half gallon per minute. Mr. Beck immediately proceeded to the deck level of the blender unit. While approaching the control room, he observed flames extending approximately two feet above and behind the gauge panel which was just forward (south) of the control room. Mr. Beck then entered the control room and hit the "emergency stop" button. He then used his radio to report a fire in the blender. Next, he retrieved a nearby fire extinguisher from the north side of the platform, and as he approached the gauge panel area, he saw that the flames had grown much higher. At that time, he did not believe that the fire extinguisher would have had any effect on the fire. Upon making this observation, Mr. Beck decided to evacuate the area. He exited the blender platform via the steps on the east side of the unit and proceeded northward between the primary and secondary blender units toward the Sand Castle area where he met with other HESI personnel and continued to evacuate to the muster point at the main entrance of the Site.

Mr. Beck's observations indicate that the initial area of fire was in the immediate vicinity of the hydraulic unit of the blender, and his descriptions of the fire's rapid growth are consistent with the release and ignition of an ignitable liquid. In this observed area of origin, the most prominent source of fuel would have been the inadvertent release of pressurized automatic transmission fluid, which was being used as hydraulic fluid.

The investigation concerning the fire incident at the Site on June 28, 2014, is ongoing, and so no "root cause" or other non-privileged internal incident investigation report currently exists. Included in this response are non-privileged interview statements from thirteen HESI employees taken by HESI Ground Supervisor Bryan Parkin shortly after the fire. Statoil also obtained interview statements from certain HESI employees present at the Site at the time of the fire incident. Please let HESI know if EPA would like copies of these statements, or whether EPA is obtaining them from Statoil.

42. **Identify the acts or omissions of any persons, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants or contaminants, or oil from the Site on June 28, 2014 and damages resulting therefrom.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what EPA considers to be an "act or omission...that may have caused the release or threat of release" for purposes of this response. Furthermore, HESI objects to what appears to be EPA's position that HESI or any other person can determine a specific "cause" of a release to a reasonable degree of certainty. Finally, the investigation into this incident is ongoing, and HESI reserves the right to supplement this response if additional facts become available concerning the release or threat of release of substances from the Site on June 28, 2014. Subject to the foregoing, HESI responds as follows:

As part of the emergency response to the fire incident at the Site, HESI dispatched three employees to provide support: Richard (Lee) Cox, William Weaver and Michael Ruby. All three HESI employees arrived at the Site by 1330 EDT on June 28, 2014. Initially, the HESI employees provided support to Statoil, the operator in control of the Site, by supplying information about equipment locations and chemicals at the Site. Later in the afternoon, Michael Sherron—the State On-Scene Coordinator from the Ohio EPA Emergency Response Unit—arrived at the Site and began to coordinate with Statoil on the emergency response. From the outset, Mr. Sherron indicated that his primary goal was to prevent another explosion at the Site and requested that Statoil and other contractors at the Site develop a plan to fight the fire. Mr. Sherron eventually focused on preventing the fire from reaching HESI's "Conex" trailer in the southwest corner of the well pad, because he believed that some of the materials in the Conex trailer, in particular an oxidizer, propane tanks, and acetylene tanks, presented a risk of explosion.

Ultimately, Mr. Sherron decided that a water curtain should be established in the area of the Conex trailer using water pumped from the impoundment below the Site through piping that ran parallel to the Conex trailer. He initially requested that HESI employees enter the well pad area to assist with these efforts. The HESI employees at the Site advised Mr. Sherron and Statoil representatives that they believed that the risk to HESI employees establishing the water curtain and the risk to the environment from runoff from the water curtain outweighed the risk of explosion and loss of materials in the Conex trailer, and as a result the HESI employees declined to participate in this effort. At one point during these discussions, Mr. Sherron indicated that he was less concerned about environmental impact resulting from the water curtain and instead his goal was to prevent another explosion. Mr. Sherron also stated that any person who interfered with establishing the water curtain would be escorted offsite by a sheriff. After the HESI employees refused to participate in establishing the water curtain in the area of the Conex trailer due to their deep concerns regarding employee safety and the potential environmental consequences of this strategy, the HESI representatives present at the Site were not consulted by Mr. Sherron, Statoil or others in the command center concerning establishing, maintaining or containing the water curtain.

Eventually employees from Rockwater, another Statoil contractor, provided pumps to move the water from the impoundment up through the onsite pipe that bordered the Conex trailer and cut the pipe in various locations with a chain saw, which resulted in a water curtain spray in the area of the Conex trailer. EPA representatives arriving at the Site at 2000 EDT on June 28, 2014, estimated that a minimum of 300,000 gallons of water was sprayed onto the Site and noted that the pumping of the water on the well pad resulted in uncontrolled runoff exiting the Site (a key risk that HESI representatives had identified in opposing the use of the water curtain spray) and entering an unnamed tributary of Opossum Creek.

- 43. Describe in detail the series of events that caused fluid that had been pumped into Well #7 to flow back up the well and onto the Site uncontained on and after June 28, 2014.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what EPA considers to be a "series of events" for purposes of this response. Furthermore, HESI objects to what appears to be EPA's position that HESI or any other person can determine a specific "cause" of fluid to flow back up Well #7H. Finally, the investigation into this incident is ongoing, and HESI reserves the right to supplement this response if additional facts become available concerning the release or threat of release of substances from the Site on June 28, 2014.

Subject to the foregoing, HESI responds that once the emergency alarm was sounded, all HESI employees immediately evacuated the well pad area to the muster point at the main entrance of the Site. Soon thereafter, these HESI employees were moved to locations further away from the Site. The three HESI employees who subsequently arrived at the well pad provided support as described in the response to Request No. 42, above. Accordingly, other than information that has been previously provided in response to other requests, HESI does not have information concerning the series of events that caused fluid that had been pumped into Well #7 to flow back up the well.

- 44. If there were any sensors in Well #7H on June 28, 2014, identify the sensors, their placement in the well, and provide any data received from those sensors during the hydraulic fracturing operations on Well #7H both prior to and after the incident on June 28, 2014.**

HESI is not aware of any sensors present in Well #7H on June 28, 2014.

- 45. Provide any sampling data or analysis that was performed on the hydraulic fracturing fluid that spilled out of Well #7H and onto the Site on and after 9:00 am EDT on June 28, 2014.**

HESI did not sample or analyze any of the hydraulic fracturing fluid that spilled out of Well #7H and does not possess any sampling data or analysis of such fluid.

- 46. Estimate the amount of fluid that had been pumped into Well#7H that flowed back up the well and onto the well pad on and after June 28, 2014. Submit all calculations and assumptions underlying the estimate.**

HESI objects to this request as unduly burdensome and outside the scope of EPA's information gathering authority under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds that it does not have information concerning the amount of fluid that flowed back up Well #7H and onto the well pad on and after June 28, 2014.

- 47. To the best of your knowledge, estimate the duration of the release or discharge of fluids from the Site. Explain how you determined the onset and mitigation of the release or discharge and what documents or information you relied on to make your determination.**

HESI objects to this request as unduly burdensome and outside the scope of EPA's information gathering authority under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds that it does not have information concerning the duration or discharge of fluids from the Site other than as described in the response to Request No. 42, above, which response is incorporated by reference.

- 48. Submit a detailed map depicting all of the areas impacted by the incident at the Site that began on June 28, 2014. Show the extent of all discharges and releases, location of recovery equipment, access routes and response staging areas, areas that were evacuated and roads that were closed (if applicable), and all other pertinent details. Include identified migration pathways from the Site to the unnamed tributary of Opossum Creek.**

HESI objects to this request as unduly burdensome and outside the scope of EPA's information gathering authority under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds that it does not have a map depicting all areas impacted by the incident at the Site that began on July 28, 2014. Furthermore, HESI does not have information that would enable HESI to create such a map.

- 49. Submit copies of calculations showing the amount of oil discharged, the amount recovered during the cleanup, the amount lost to evaporation, the amount degraded into the environment, and the amount that may still be present in the environment.**

As indicated in the response to Request No. 40, above, HESI has included with this response a spreadsheet which it prepared on or around July 2, 2014, that lists: (a) the estimated volume of HESI's materials at the Site at the time of the incident; and (b) the estimated volume of HESI's materials left at the Site on or about July 1, 2014. HESI has not performed any other calculations referenced in Request No. 49 and does not possess sufficient information to perform such calculations.

- 50. Describe the composition of any oil released on or after June 28, 2014 including any additives.**

See HESI's response to Request No. 40, above, which is incorporated herein by reference.

- 51. For each material, including pollutants or contaminants, hazardous substances, oil, petroleum, and petroleum products, that was released or discharged as a result of the incident at the Site that began on June 28, 2014, provide the following information. Describe your method or source of information and provide the calculations supporting the estimate provided.**

- a. The amount released or discharged to the environment from the Site;**
- b. The amount released or migrated onto and/or into the soil and/or the subsurface strata;**
- c. The amount discharged into a sanitary sewer system. If any, describe the pretreatment conducted by your facility;**
- d. The amount discharged into a storm sewer;**
- e. The amount discharged into the Site drainage system;**
- f. The amount discharged into the unnamed tributary of Opossum Creek located approximately one and a half miles from the Site;**
- g. The amount discharged or released to any other surface and a description of those surfaces;**
- h. The amount that volatilized;**
- i. The amount degraded into the environment; and**
- j. The amount remaining in the environment.**

HESI has not performed any calculations concerning the information referenced in Request No. 51 and does not possess sufficient information to perform such calculations.

- 52. For the purposes of this question, the term "pollutant" shall have the same definition as that contained in Section 504 of the Clean Water Act. For any pollutant that was released or discharged as a result of the incident at the Site that began on June 28, 2014, provide the following information. Describe your method or source of information and provide the calculations supporting the estimate provided. If the information has already been provided in response to Question #51, indicate the name of the pollutant and that the information was already provided.**

- a. The amount released or discharged to the environment from the Site;**

- b. The amount released or migrated onto and/or into the soil and/or the subsurface strata;
- c. The amount discharged into a sanitary sewer system;
- d. The amount discharged into a storm sewer;
- e. The amount discharged into the Site drainage system;
- f. The amount discharged into the unnamed tributary of Opossum Creek located approximately one and a half miles from the Site;
- g. The amount discharged or released to any other surface and a description of those surfaces;

HESI has not performed any calculations concerning the information referenced in Request No. 52 and does not possess sufficient information to perform such calculations.

- 53. Did any hazardous substance react with any substance to cause a by-product? If so, explain and provide the calculations to show the reaction and quantity of each by-product released.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. Subject to the foregoing, HESI responds that it does not have information that indicates that any hazardous substance at the Site reacted with another substance to cause a by-product.

- 54. Submit copies of all reports and analytical results related to the monitoring or sampling of the areas impacted by the incident at the Site that began on June 28, 2014. Do not include reports and data already submitted in response to other response items in this Information Request.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what is meant by "areas impacted by the incident at the Site." Subject to the foregoing, HESI responds that all reports and analytical results related to soil, water (ground and surface) or air quality in HESI's possession, custody or control associated with the Site are included in the response to Request No. 12, above, which is incorporated herein by reference.

- 55. Submit copies of all photographs and video related to the fire and subsequent response efforts on and after June 28, 2014 at the Site.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what is meant by "subsequent response efforts." Subject to the foregoing, included in this response are two

videos taken by one of HESI's employees, Clay Thompson, on June 28, 2014, from two locations outside the well pad area. In addition, HESI possesses over 700 photos of HESI equipment taken on or about July 1, 2014, after the fire had been extinguished. Please inform HESI whether EPA wishes for HESI to provide copies of these photos to EPA.

- 56. Describe in detail the actions taken by your employees and/or anyone else regarding the emergency response to the fire and release, including any and all chemicals used, the handling or clean-up of the materials, oil, hazardous substances, and hazardous chemicals released, including transportation and disposal.**

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what is meant by "regarding the emergency response to the fire and release." For purposes of this response, HESI assumes that the "emergency response" includes the time period from when the fire incident started to when the fire was extinguished on June 29, 2014.

Additionally, the request to describe the actions "of anyone else" is overbroad and excessive on its face. Between HESI employees (both on site and in other locations), Statoil employees, other contractors hired by Statoil, and any first responders to the incident, there are likely *hundreds* of people who took some sort of action as part of the emergency response to the incident. Describing the actions of each of those people "in detail," to the extent HESI even has knowledge of those actions, is completely unreasonable and unlikely to provide additional relevant information. Subject to the foregoing, HESI responds as follows:

Once the emergency alarm was sounded on June 28, 2014, all HESI employees immediately evacuated the well pad area to the muster point at the main entrance of the Site. Soon thereafter, these HESI employees were moved to locations further away from the Site. The three HESI employees who subsequently arrived at the Site provided support as described in HESI's response to Request No. 42, above, which is incorporated herein by reference.

- 57. Provide copies of any RCRA hazardous waste manifests for hazardous wastes removed from the Site after June 28, 2014.**

HESI does not possess any RCRA hazardous waste manifests for hazardous wastes removed from the Site after June 28, 2014.

- 58. Identify the party that established the water curtain used to protect a trailer containing compressed gas cylinders and the source of the water utilized to establish the water curtain. If the water was not fresh water, describe its composition.**

Please see HESI's response to Request No. 42, above, which is incorporated herein by reference. HESI has no information about the source or composition of the water utilized to establish the water curtain.

59. If any fluids and substances were released to a containment area, please respond to the following information requests:

- a. What is the containment area made of?**
- b. What are the dimensions of the containment area?**
- c. Did the containment area contain a neutralization agent? If so, what and how much of the neutralization agent was present?**

HESI does not have information about whether fluids and substances were released to a containment area at the Site or any information about the size and construction of any containment area that may have received a release of fluids and substances at the Site.

60. What secondary containment, if any, was in place at the Site on June 28, 2014? If that secondary containment failed to work properly, then identify why the secondary containment failed to work properly.

HESI objects to this request as vague, overly broad, unduly burdensome and not reasonably related to EPA's lawful objectives under Section 104(e) of CERCLA or Section 308 and 311 of the CWA. In particular, it is unclear what is meant by "work properly." Subject to the foregoing, as a contractor hired by Statoil to perform hydraulic fracturing services at the Site under the direction and supervision of Statoil, HESI was not responsible for establishing, maintaining or observing the operation of secondary containment. HESI believes that some earthen berms were located in portions of the well pad boundary. In addition, Statoil supplied rig matting throughout the well pad area. HESI does not have sufficient information to respond whether or not the secondary containment described above worked properly.

61. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology or air quality on or about the Site?

No.

If so, identify:

- a. What the nature and scope of these investigations will be;**
- b. The contractors or other persons that will undertake these investigations;**
- c. The purpose of the investigations;**
- d. The dates when such investigations will take place and be completed; and**
- e. Where on the Site such investigation will take place.**

62. **Provide copies of all investigative documents prepared by you, your agents, or your contractors with respect to the incidents of June 28, 2014 through now at the Site. If these have already been provided in response to another Information Request, indicate the question number.**

Please see HESI's response to Request No. 41, which is incorporated herein by reference.


63. **Submit copies of all correspondence with the Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (OEPA), local officials, your insurers, and the United States Fish and Wildlife Service that involve the incident at the Site, the response at the Site, and any other incident-related event from June 28, 2014 through the present.**

In response to this request, HESI has included copies of correspondence with ODNR, OEPA, local officials (*i.e.*, officials representing agencies located in Clarington, OH or Monroe County, OH), HESI's insurers and the United States Fish and Wildlife Service that relate to the incident or the incident response. HESI has also included correspondence with the Ohio River Valley Water Sanitation Commission (ORSANCO), the Kentucky Department of Environmental Protection and certain area water authorities. **Please note that HESI considers some of the materials being provided in response to this request to constitute confidential business information or trade secrets.** In accordance with Enclosure A of the Information Request, these materials are identified with a "CBI" prefix and are being provided in a separate binder. HESI notes that the documents submitted in response to this request include correspondence with OEPA that resulted in OEPA determining that the confidential business information associated with hydraulic fracturing additives is entitled to protection from disclosure by OEPA as a trade secret. HESI believes this supporting correspondence with OEPA similarly establishes that the information designated as confidential in the response to this request is entitled to protection from disclosure by EPA as confidential business information.

DECLARATION

I declare under penalty of perjury that I am authorized to sign this Response on behalf of Respondent and that the foregoing responses, to the best of my knowledge and belief, are complete, true, and correct.

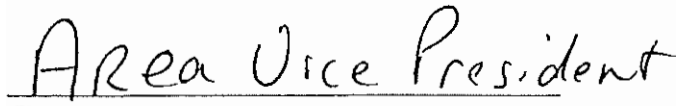
Executed on October 13, 2014.



Signature



Type or Print Name



Title

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